

REMARKS/ARGUMENTS

I. Concerning the Amendments

Claim 1 is amended to incorporate the limitations of Claim 4, as it is believed that this will further highlight the novelty of Claim 1 versus the prior art, as discussed hereinbelow. This amendment to Claim 1 made dependent Claims 3 and 4 redundant, and they are cancelled herein. Claims 1 and 18 are amended to indicate that the viscosity measurement is conducted on a 1.0 weight percent aqueous solution of the polymer at a pH of 6.0. Support for this amendment is found in the specification at page 11. Claim 2 is amended to resolve a perceived lack of antecedent basis. Claims 8 and 9 are amended to claim preferred embodiments of the hydrophobe. The amendments to Claims 2, 8, 9 and 18 are not made in response to any rejection.

New Claims 19 and 20 are presented as variants of Claim 1 having narrower scope. No new matter is introduced by any of the amendments.

The specification is amended to include cross-reference information as specified by 37 CFR 1.78. In view of the fact that this cross-reference information can be found on the filing receipt for this application, Applicants believe no petition is needed in connection with this amendment. See MPEP 201.11 (V), last paragraph. Applicants further note that the time period for making this amendment to the specification does not apply, as the related international application was filed prior to November 29, 2000. See 37 CFR 1.78(a)(2)(ii)(C) and (a)(5)(ii)(B).

II. Concerning the Rejection over Prior Art

All claims stand rejected as being anticipated by Shay et al. (hereinafter Shay), Jenkins et al. '843 (hereinafter Jenkins 843), or Jenkins et al. '618 (hereinafter Jenkins 618).

The prior art does not teach or suggest a polymer having the viscosity properties of the present claims. Applicants' claims require that an aqueous solution of the polymer at a concentration of 1.0 weight percent has a viscosity of at least 10,000 cP at a pH of 6.0. This feature is neither taught nor suggested by the prior art.

As indicated in the "Background of the Invention" section of the subject application, prior art alkali soluble thickeners for use in coating compositions are known in the art and typically comprise an aqueous emulsion reaction product of: (A)

a monoethylenically unsaturated carboxylic acid, (B) a monoethylenically unsaturated monomer different from (A), e.g. ethyl acrylate and (C) a macromonomer comprising a hydrophobic portion and an alkoxylated portion which is polymerizable with monomers (A) and (B). Typically, such known alkali soluble thickeners only begin to demonstrate viscosity enhancement at a pH of greater than 6.0 and frequently in the range of about 6.5 or higher. Accordingly, such alkali soluble thickeners have not found wide acceptance in personal care applications which require establishment of viscosity enhancement at or below the pH of skin. As noted in the "Summary of the Invention" section of the present invention, it is now possible to provide alkali soluble latex polymers which are suitable for use in personal care applications. Quite surprisingly, it has been found that when the monethylenically unsaturated monomer (B) is methyl acrylate, solubilization of the polymer occurs at a pH of from about 4.5 to 6, thereby making the polymer suitable for use in personal care applications.

Applicants further note that while the Jenkins references describe polymers, they do not recognize the claimed polymers. The monomer (B) of the Jenkins references is very broadly described as "any monoethylenically unsaturated monomer," with a preference for ethyl acrylate. The present application claims polymers with certain viscosity characteristics wherein monomer (B) comprises methyl acrylate. The Jenkins references clearly do not recognize the unique viscosities of methyl acrylate-containing polymers claimed by Applicants.

Examples 116 and 117 of Jenkins 843 comprise 10 and 20 percent, based on total monomers, of methyl acrylate and have viscosities over 10,000 centipoise at pH 9.0 measured as a 0.75% solution. As mentioned in Applicants' specification, personal care applications typically require significant viscosity enhancement at or below the pH of skin, e.g. from 6.5 to 6.8. Jenkins 843 does not disclose data showing a polymer viscosity required by the present claims. Furthermore, Applicants believe that the polymers of Examples 116 and 117 of Jenkins 843 will not have viscosities over 10,000 centipoise at pH 6.0 measured as a 1.0% solution as required by the present claims.

Shay generally teaches that monomer (B) is usually a C₁₋₈ alkyl ester of (meth)acrylic acid, and indicates a strong preference for ethyl acrylate. Shay does not

disclose data showing a polymer viscosity required by the present claims. Shay does not recognize the uniqueness of methyl acrylate-containing polymers.

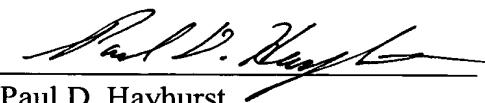
For the foregoing reasons, reconsideration of the novelty rejection of Claims 1-18 is respectfully requested.

Specifically regarding Claim 20, which requires a macromonomer comprising a behenyl alcohol residue as a hydrophobic portion, such a macromonomer is not specifically disclosed by Shay or the Jenkins references. For example, the Jenkins references teach that the macromonomer is prepared using a complex hydrophobe compound of the formula II given at col. 3, line 60 of Jenkins 843. The Jenkins references describe R¹ as a monovalent residue of a substituted or unsubstituted complex hydrophobe compound. Shay, at col. 3, lines 16-18, describes the hydrophobe very broadly as "usually an aliphatic alcohol or alkyl phenol in which a carbon chain containing at least 6 carbon atoms . . ." and more preferably as an alkyl group of 6-22 carbon atoms. The prior art clearly does not recognize the combination of methyl acrylate, behenyl alcohol residue, and viscosity of Claim 20.

IV. Conclusion

Reconsideration of the claims and passing of the application to allowance are solicited.

Respectfully submitted,



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